

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SHELLEY NEWTON,

Plaintiff,

v.

COUNTY OF CONTRA COSTA,

Defendant.

No. C 04-2959 SBA

(Related to Case No. 05-1204 SBA)

ORDER

On July 21, 2005, Plaintiff Shelley Newton filed a complaint against Defendant County of Contra Costa (Case No. 04-2959). At the December 10, 2004 Case Management Conference, the parties agreed to participate in mediation. Accordingly, this Court referred the matter to ADR for mediation.

On March 25, 2005, Plaintiff filed a new complaint against P. Arapaia, B. Marker, C. Costigan, Steven Brinkley, Michelle Day, and Kellie Martinez (Case No. 05-01204). On May 2, 2005, Case No. 04-2959 and Case No. 05-0124 were deemed related by Order of this Court.

On May 4, 2005, Plaintiff and Defendant County of Contra Costa submitted a stipulation requesting that the Court grant a continuance of the mediation, effectively postponing the mediation indefinitely. In the Stipulation, Plaintiff and Defendant County of Contra Costa state that the defendants in Case No. 05-1204 are unwilling to participate in mediation. Accordingly, Plaintiff and Defendant County of Contra Costa seek relief from this Court's assignment of Case No. 04-2959 to mediation.

For good cause shown,

IT IS HEREBY ORDERED THAT the Court's referral of Case No. 04-2959 to mediation is

1 VACATED.

2 IT IS FURTHER ORDERED THAT all previously scheduled deadlines in Case No. 04-2959,
3 with the exception of the September 22, 2005 Settlement Conference, are VACATED.

4 IT IS FURTHER ORDERED THAT all parties in Case No. 05-01204 are directed to participate
5 in the September 22, 2005 Settlement Conference, pursuant to Magistrate Judge Chen's May 10, 2005
6 Order in Case No. 04-2959 [Docket No. 19].

7 IT IS FURTHER ORDERED THAT the parties in Case No. 04-2959 and Case No. 05-01204
8 shall appear for a Case Management Conference on **June 21, 2005 at 1:00 p.m.**, immediately following
9 the hearing on the Motion to Dismiss of Defendants Brinkley, Day, and Martinez. The parties shall **meet**
10 **and confer** prior to the conference and shall prepare a joint Case Management Conference Statement
11 which shall be filed no later than ten (10) days prior to the Case Management Conference. Pursuant to this
12 Court's standing orders, the statement shall set forth the parties' suggestions regarding the earliest
13 reasonable dates for discovery cut-off, motion cut-off, pretrial conference, and trial. Plaintiff shall be
14 responsible for filing the statement.

15 IT IS SO ORDERED.

16
17 Dated: 5-12-05

/s/ Sandra Brown Armstrong
SAUNDRA BROWN ARMSTRONG
United States District Judge